

Appln. No. 10/773,454  
Amtd. dated October 26, 2006  
Reply to Office Action of July 26, 2006



Amendments to the Drawings

The attached drawing sheet includes changes to Fig.

1. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2.

In Fig. 1, previously omitted element 38 has been identified.

In Fig. 2, no changes have been made.

Attachment:      Replacement Drawing Sheet (1)  
                        Annotated Drawing Sheet Showing Changes (1)

REMARKS

The Official Action of July 26, 2006, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 11-31, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-10 have been canceled and new claims 21-31 added. Claims 11-31 remain in the application for consideration.

Applicant notes that element 38 described in the drawings but not identified therein is set out in amended Fig. 1.

In response to the Examiner's objection to the specification and rejection of claims 11-20 under 35 U.S.C. §112, second paragraph, Applicant has amended the specification and claims to eliminate each of the problems identified by the Examiner. Applicant respectfully submits that the objection and rejection have now been overcome.

The Examiner has further rejected claims 11-13, 17, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Lacout in view of Delage, and claims 14-16 and 18 under 35 U.S.C. §103(a) as being unpatentable over Lacout in view of Delage further in view of Iaia. Applicant respectfully

traverses these rejections as applied to claims 11-19 as amended and new claims 20-31.

Lacout shows an application device for a cosmetic product. Lacout in detail describes the application of a product in form of a solid cake. In column 4, line 1, Lacout also suggests the use of a product in form of a cream or a gel.

Lacout's operating mechanism for operating a piston 6 for product delivery comprises a thread 7 projecting through piston 6. During operation, the thread rotates with respect to a complementary bore 8 in the piston 6. As such, Lacout's application device cannot be used for a liquid product because liquid will flow through the spaces between the thread 7 and the bore 8.

Applicant's device according to amended claim 11 has a threaded rod, i.e. a screw, which is molded on the piston as an integral unit with the piston. This avoids sealing problems at the boundary between the screw and a corresponding piston bore. Further, an integral piston/screw unit only makes sense when the screw extends outside the product container, as can be seen in figure 1 of the present application. Thus, the screw having one end fixed to the piston does not project into the product as does the end of the Lacout screw. Such a projection often is undesirable.

In addition, the thread being complimentary to the piston screw and the interlocking element connecting and securing the operating mechanism to the container are parts of one and the same component which now is stipulated in currently amended claim 11. Such an integral component is not taught by Lacout.

Applicant respectfully submits that claim 11 patentably defines over Lacout in light of the above structural differences.

Lacout's interlocking device connecting an operating mechanism, i.e. a drive member 9, to the casing 3 comprises an annular rib 15 in a casing component designed to be received in a retaining groove 13 of the drive member.

Applicant submits that Lacout does not provide a wall weakening at the claimed location as stipulated in new claims 21 and 23. Having flexible locking-collar sections as locking elements on a level with the weakening windows spaced apart from and between opposite ends of the operating mechanism gives the advantage of providing locking collars supported between the ends of the operating mechanism which are flexible not due to their own profile geometry but due to the vicinity of the weakening windows. This ensures a secure interlocking of the operating mechanism with the container.

Applicant respectfully submits that claim 21 and 23 patentably define over Lacout in light of the above structural differences.

New claim 22 stipulates a locking device of the operating mechanism subdividing its rotary motion into discreet rotation steps, where this locking device has a locking unit comprising two locking tongues 27 which are displaced from one another by 180° in the circumferential direction. Engagement between the locking tongues with the corresponding ribs in this case always is assured. This is due to the fact that such engagement always takes place at least at two positions which are displaced from one another by 180° in the circumferential direction about the longitudinal axis of the operating mechanism. Consequently, an exact defined and aligned relative position of the components of the rotation step locking device is given.

Lacout shows no such rotation step locking device. Iaia shows an application device having a rotation step locking device comprising one single tongue cooperating with a ratchet wheel 32. In Iaia's device, the alignment of the ratchet wheel 32 to the housing of the device always has to be the same to ensure the function of its rotation step locking device. Therefore, corresponding components of Iaia's device have to be made massive. Iaia clearly does not teach a self-

ensuring relative positioned rotation step locking device having two locking tongues which are displaced from one another by 180° in a circumferential direction as is stipulated in new claim 22. Therefore, new claim 22 is patentable over Lacout in view of Iaia.

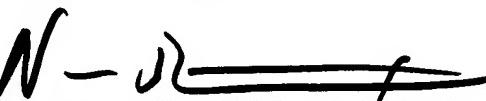
Applicant notes that Delage was cited by the examiner only with respect to the flocked applicator with respect to previously presented claim 17. Therefore, Delage does not challenge the patentability of currently presented claim 11, 21, 22 and 23.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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**ANNOTATED DRAWING SHEET SHOWING CHANGES**

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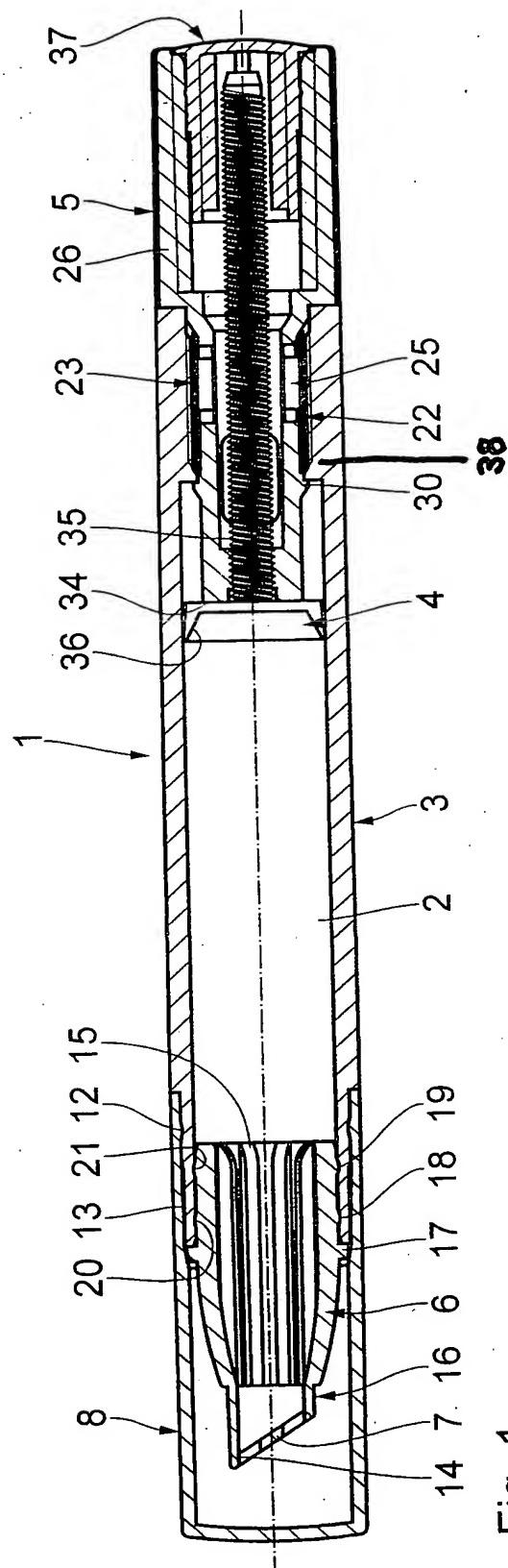


Fig. 1

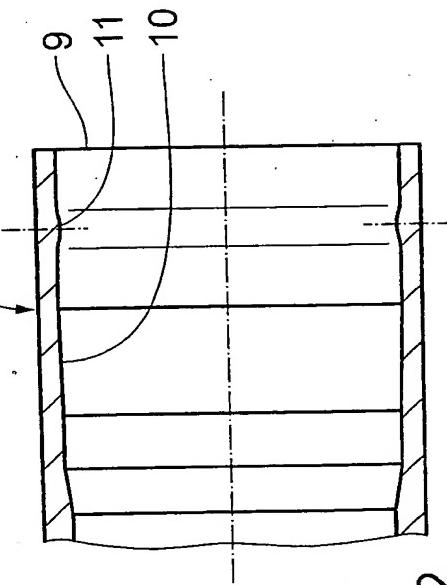


Fig. 2